

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: DAVID S. JONES (DJ-5276)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2739

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JANE DOES I, JANE DOES II AND : 04 Civ. 10108 (SHS)
JANE DOE III, :
:
Plaintiffs, :
:
- against - :
:
EMMANUEL CONSTANT, :
a.k.a. TOTO CONSTANT, :
:
Defendant. :
----- x

STATEMENT OF INTEREST OF THE UNITED STATES

By letter to the Honorable John B. Bellinger, III, Legal Adviser of the United States Department of State, the Court indicated that, "[s]hould the government wish to be heard in any way in this litigation," it should "respond to this letter before the damages hearing commences on August 29." See Letter from the Honorable Sidney H. Stein, dated August 16, 2006, annexed hereto as Exhibit A. Upon a request from this Office, the Court extended the August 29 deadline for any governmental submission to September 28, 2006. Pursuant to 28 U.S.C. § 517¹, the Attorney General, on behalf of the Department of State, respectfully submits this Statement of

¹ "The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any . . . district in the United States . . . to attend to any [] interest of the United States." 28 U.S.C. § 517.

Interest in response to the Court's inquiry.

Attached hereto as Exhibit B is a letter, dated September 27, 2006, from John B. Bellinger, III, Legal Adviser, United States Department of State, to Jeffrey S. Bucholtz, Esq., Principal Deputy Assistant Attorney General, United States Department of Justice, which provides the Department of State's views in response to the Court's inquiry concerning the interests of the United States in this matter

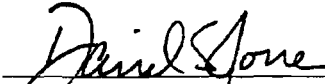
The United States also respectfully wishes to advise the Court that, although it takes no position in the matter before the Court, it has participated in other matters concerning the proper application of the ATS. For the Court's reference, the United States is attaching as Exhibit C hereto its brief filed in one case involving a demand for relief under the ATS, *Khulumani v Barclay National Bank, Ltd.*, Nos. 05-2141, 05-2326 (2d Cir.). The Second Circuit has not yet rendered its decision in the *Khulumani* matter, which was argued in January, 2006.

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Dated: New York, New York
September 28, 2006

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States of America

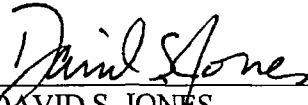
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CERTIFICATE OF SERVICE

I, David S. Jones, an Assistant United States Attorney for the Southern District of New York, hereby certify that on September 28, 2006, I caused the annexed Statement of Interest and exhibits to be served by first class mail, postage paid, upon:

Jennifer Green, Esq.
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012



DAVID S. JONES